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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,863	04/10/2001	G. Scott Mindrum	0103085-0515558	7673
26874	7590	08/02/2006	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			TRUONG, CAM Y T	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/829,863

Applicant(s)

MINDRUM, G. SCOTT

Examiner

Cam Y T. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 21-26 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-26, 28-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Applicant has filed a pre-appeal conference on 5/31/2006. Applicant's argument has been carefully considered by an appeal conference. Thus, the finality of the office action is withdrawn.

Claims 21-26, 28-43 are pending in this Office Action.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 21-26, 28-43 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 21-26, 28-35 and 43 are rejected under 35 U.S.C.101 because the language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practice application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101.

As to claims 21-26, 28-35 and 43 recite "a registry system". However, claims fail to contain hardware or a computer that is used to produce a tangible, concrete, useful result. Thus, claims 21-26, 28-35 and 43 are merely abstract idea, being processed

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without any links to a practical result in the technology arts and without computer manipulation.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21-24, 28-35 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable Arlington National Cemetery, 1999 (or hereinafter "Arlington") in view of Legacy. Com, 1999 (or hereinafter "Legacy").

As to claim 21, Arlington teaches the claimed limitations:

a concrete memorial for a deceased person, the concrete memorial comprising discernable information including the name of deceased person (page 1);

a identifier on or near the concrete memorial for the deceased person (pages 1&7);

an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having information related to the deceased person" as (pages 1-7);

an identifier on or near the concrete memorial for the deceased person, the identifier indicating to people visiting the concrete memorial that information related to the deceased person may be found on the on-line registry service (pages 1&7).

Arlington does not teach the limitation "registry".

Legacy teaches memorial submission forms indicates an on-line registry service accessible over the Internet (page 3, lines 16-27);

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy's teaching of memorial submission forms indicates an on-line registry service accessible over the Internet to Arlington's system in order to allow users to register deceased persons via Internet system so that any other user can search/view history of deceased persons on Internet quickly.

As to claims 22, Arlington teaches the claimed limitation "wherein the tangible memorial is a headstone" as (page 1).

As to claim 23, Arlington teaches the claimed limitation "wherein the identifier is a string" as (page 1).

As to claim 24, Arlington teaches the claimed limitation "wherein the identifier is a URL" as (pages 1&7).

As to claim 28, Arlington teaches the claimed limitation "wherein the tangible memorial is positioned in a cemetery" as (page 1).

As to claim 29, Arlington does not explicitly teach the claimed limitation "being further adapted for use with deceased animals". Arlington teaches a headstone for Abrams that is name of deceased person (fig. 2).

It would have been obvious to a person of skill in the art at the time the invention was made to apply Arlington's teaching of a headstone for John Kent that is name of deceased person in order to allow users to visit the individual's life history or deceased persons easily.

As to claim 30, Arlington teaches the claimed limitation "information on a plurality of deceased persons" as (page 1).

As to claim 31, Arlington and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation "wherein the on-line registry service can be searched based on at least part of the discernable information" as (page 1).

As to claim 32, Arlington and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation "wherein the on-line

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registry service is operative to allow visitors to provide information related to a deceased person available on the on-line registry service” as (pages 1-4).

As to claim 33, Arlington and Legacy disclose the claimed limitation subject matter in claim 21, Legacy further teach the claimed limitation “wherein the subscription service is a subscription service” as (pages 1-2).

As to claim 34, Arlington and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation “wherein the subscription service is a periodic fee-based subscription” as fee-based subscription (page 3).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy’s teaching of fee-based subscription to Arlington’s system in order to maintain funeral services on Internet system.

As to claim 35, Arlington teaches the claimed limitation “wherein the information on the one or more web pages comprises images and biographical data related to the deceased person” as (pages 1- 7).

As to claim 43, Arlington teaches the claimed limitations:

a concrete memorial for a deceased person, the concrete memorial comprising discernable information including the name of the deceased person as (page 1);

wherein the concrete memorial is positioned in a cemetery; seal on or near the concrete memorial for said deceased person (pages 1 & 7);.

an on-line registry service accessible over the Internet, the on-line registry service comprising one or more web pages having images and biographical data related to a plurality of deceased persons; said plurality of deceased persons including said deceased person, wherein the on-line register service can be searched based on at least part of the discernable information; the seal indicating to people visiting the concrete memorial in the cemetery that information related to said deceased person may be found on the on-line registry service (pages 1-7).

Arlington does not explicitly teach the claimed limitation "registry".

Legacy teaches memorial submission forms indicates an on-line registry service accessible over the Internet (page 3, lines 16-27);

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy's teaching of memorial submission forms indicates an on-line registry service accessible over the Internet to Arlington's system in order to allow users to register deceased persons via Internet system so that any other user can search/view history of deceased persons on Internet quickly.

6. Claims 36-37, 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arlington in view of Manross, Jr (US 6414663) and Legacy. Com, 1999 (or hereinafter "Legacy")



As to claim 36, Arlington teaches a method for memorializing a deceased person, the deceased person having a physical memorial comprising at least the deceased person's name (page 1):

visually indicating, on or near the physical memorial for the deceased person as (page 1);

retrieving the stored information relating to the deceased person (page 1);

providing by the subscriber information relating to the deceased person (pages 1-7);

providing to one or more visitors access over the Internet to the on-line registry service; displaying to the visitor or the subscriber on one or more web pages at least a portion of the information relating to the deceased person (pages 1-7).

Arlington does not explicitly teach the claimed limitations:

"storing the information relating to the deceased person on a computer system; registry; establishing a subscription for an on-line registry service with a subscriber, the subscription being associated with the deceased person; that the on-line registry service is associated with the deceased person".

Legacy teaches establishing a payment for an on-line registry service with a subscriber, this payment is associated with the deceased person (page 3);

Manross teaches storing information of deceased person on a computer system (figs 1A-1B).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Legacy's teaching of establishing a payment for an on-

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line registry service with a subscriber, this payment is associated with the deceased person, service is associated with deceased person and Manross's teaching of storing information of deceased person on a computer system to Arlington's system in order to system in order to allow users to register deceased persons via Internet system so that any other user can search/view history of deceased persons on Internet quickly.

As to claim 37, Arlington and Legacy disclose the claimed limitation subject matter in claim 30, Legacy further teach the claimed limitation "submitting by visitors information relating to the deceased person to the on-line registry service" as (page 4).

As to claim 40, Arlington teaches the claimed limitation "positioning an identifier on or near the tangible memorial" as (page 1).

As to claim 41, Arlington teaches the claimed limitation "performed sequentially" as (pages 1-7).

As to claim 42, Arlington teaches the claimed limitation "wherein the steps are performed sequential as listed" as (pages 1-7).

7. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable Arlington in view of Legacy. Com, 1999 (or hereinafter "Legacy" and Durst et al (or hereinafter "Durst") (US 6542933).

As to claim 25, Arlington does not explicitly disclose the claimed limitation “the identifier is a seal”. Durst teaches the packaging is typically marked with a unique code such as the UPC or EAN code, however since the consumer generally lacks access to the code-to product database, and manufacturers rarely categorize their sites by this number, this mark is of little use to the consumer (col. 1, lines 45-67).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Durst teaching of the packaging is typically marked with a unique code such as the UPC or EAN code, however since the consumer generally lacks access to the code-to product database, and manufacturers rarely categorize their sites by this number, this mark is of little use to the consumer to Arlington’s system in order to provide increased system security, the user identification code may be obfuscated prior to being sent to the information server.

As to claim 26, Arlington does not explicitly disclose the claimed limitation “the identifier is a mark”. Durst teaches the packaging is typically marked with a unique code such as the UPC or EAN code, however since the consumer generally lacks access to the code-to product database, and manufacturers rarely categorize their sites by this number, this mark is of little use to the consumer (col. 1, lines 45-67).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Durst teaching of the packaging is typically marked with a unique code such as the UPC or EAN code, however since the consumer generally lacks access to the code-to product database, and manufacturers rarely

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categorize their sites by this number, this mark is of little use to the consumer to Arlington's system in order to provide increased system security, the user identification code may be obfuscated prior to being sent to the information server.

8. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arlington in view of Manross and Legacy. Com, 1999 (or hereinafter "Legacy and further in view of Bergh et al (or hereinafter "Bergh") (US 6112186).

As to claim 38, Manross and Legacy disclose the claimed limitation subject matter in claim 37, except the claimed limitation "the step of collecting a subscription fee at least one time from the subscriber". Bergh teaches that paying on a periodic basis indicates collecting a subscription fee at least one time from the subscriber (col. 32, lines 62-67; col. 33, lines 10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bergh's teaching of paying on a periodic basis to Legacy's system and Manross's system in order to save time for collecting a bill about registration for deceased persons from subscribers.

As to claim 39, Legacy and Manross disclose the claimed limitation subject matter in claim 37, except the claimed limitation "wherein a fee is collected on a periodic basis" as (col. 2, lines 60-65). Bergh teaches that paying on a periodic basis indicates

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collecting a subscription fee at least one time from the subscriber (col. 32, lines 62-67; col. 33, lines 10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Bergh's teaching of paying on a periodic basis to Legacy's system and Manross's system in order to save time for collecting a bill about registration for deceased persons from subscribers.

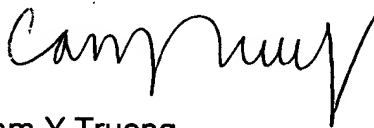
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***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam Y T Truong whose telephone number is (571) 272-4042. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cam-Y Truong  
Primary Examiner  
Art Unit 2162  
6/23/2006